



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

William Yost, Senior Operations Manager
DNP IMS America Corporation
1001 Technology Drive
Mt. Pleasant, PA 15666

Re: Notice of Violation
Compliance Evaluation Inspection
September 30, 2013
EPA ID No. PAR000007195

Docket No: R3-14-NOV-RCRA-13

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Dear Mr. Yost:

On September 30, 2013, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of DNP IMS America Corporation ("the Facility"), located in Mt. Pleasant, PA, under the federally authorized Commonwealth of Pennsylvania Hazardous Waste Management Regulations ("PAHWMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. The Inspection Report is enclosed with this letter.

Based on the inspection, EPA has determined that the Facility has violated regulations under PAHWMR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violations are:

1. **At the time of the inspection, the Facility had failed to date two universal waste containers -** *Two containers labeled as universal waste, found in the mechanic room, were undated.* 25 PA 266b [40 C.F.R. §273.15(c)] requires that a small quantity generator of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.
2. **At the time of the inspection, the Facility had failed to properly containerize loose universal waste -** *Two out of service fluorescent light fixtures with loose fluorescent lamps were found in the mechanic room. These lamps were not containerized.* 25 PA 266b [40 C.F.R. §273.13(d)(1)] requires that a small quantity handler of universal waste must contain any lamp in containers that are structurally sound and these containers must remain closed.

3. **At the time of the inspection, the Facility failed to keep four hazardous waste containers closed** - *One drum, found in the mixing room, had a flexible hose connection which was not completely attached to the lid. One drum, found at station PT 04 in the mixing room, did not have a properly attached lid which prevented the lid from being fully closed. One drum, found in the mixing room hazardous waste drain station, had an open bung hole. One drum, found in the solvent sink area, had a funnel and the funnel lid was not closed.* 25 PA 265a [40 C.F.R. §265.173(a)] requires that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove water.
4. **At the time of the inspection, the Facility failed to label four satellite accumulation containers** - *One satellite accumulation container, found in enclosure #2, line #5 of the coatings area, had a hazardous waste label but it was covered with black carbon and therefore illegible. Another satellite accumulation container, found in enclosure #4 of the coatings area, was not labeled. One satellite accumulation container, found in the solvent sink area, was not labeled. One satellite accumulation container, found in the mixing lab, was not labeled.* 25 PA 262a [40 C.F.R. §262.34(c)(1)(ii)] requires that a satellite container holding hazardous waste must always be labeled with the words "hazardous waste" or with other words that identify the contents of the container.
5. **At the time of the inspection, the facility had failed to conduct a waste determination for the waste filter** - *A particulate filter, found in enclosure #3 of the coatings area, was not labeled. The Facility representative stated that the filter was disposed of as regular trash.* 25 PA 262a [40 C.F.R. §262.11] requires that a person who generates a solid waste, as defined in 40 C.F.R. 261.2, must determine if that waste is a hazardous waste.

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Response to this NOV shall be addressed to:

Kelly L. Bunker
Land and Chemicals Division (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement



Date

Enclosure

cc: Melissa Gross (PADEP) with Enclosure
Kelly Bunker (3LC70) w/o Enclosure

